

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHAN JOSEPH GOOD,

Plaintiff,

v.

Case No. 15-12064

DENNIS HEYNS, C/O Cerny, RUM PEET,
SERGEANT LEVY, HEARING INVESTIGATOR
SCOTT, GRIEVANCE COORDINATOR
PARSONS, and DEPUTY WARDEN
MCCULLICK,

HON. AVERN COHN

Defendants.

MEMORANDUM AND ORDER
ADOPTING REPORT AND RECOMMENDATION (Doc. 77)
AND
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (Doc. 72)
AND
DENYING PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE (Doc. 70) AND
MOTION TO STRIKE DEFENDANTS' MOTION (Doc. 75)
AND
DISMISSING CASE

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff James Mitchell, proceeding pro se, filed a complaint against twenty-one (21) defendants and presenting multiple claims. The matter was referred to a magistrate judge for pretrial proceedings. See Doc. 6. Following motions and the adoption of the magistrate judge's report and recommendation, the case was pared down to five claims against six defendants: Director Heyns, C/O Cerny, RUM Peet, Sergeant Levy, Hearing

Investigator Scott, Grievance Coordinator Parsons, and Deputy Warden McCullick (Doc. 50). In general, plaintiff claims stem from a Class II ticket for insolence that defendant C/O Cerny issued and of which plaintiff was found guilty following a hearing, resulting in two days of lost privileges. Defendants filed a motion for summary judgment on all remaining claims. (Doc. 72). Plaintiff filed a motion for an order to show cause (Doc. 70) and a motion to strike defendants' motion for summary judgment (Doc. 75). On May 25, 2017, the magistrate judge issued a report and recommendation (MJRR), recommending that defendants' motion be granted and plaintiff's motions be denied. Neither party has objected to the MJRR and the time for filing objections has passed.¹

II.

The failure to file objections to the MJRR waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the MJRR releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge's analysis and conclusion.

III.

Accordingly, for the reasons stated above, the MJRR is ADOPTED as the findings and conclusions of the Court. Defendants' motion for summary judgment is

¹On June 8, 2017, the day objections were due, plaintiff filed a motion for extension of time in which to file objections, asking for a 60 day extension, or until August 3, 2017. (Doc. 79). The Court granted the motion in part, permitting plaintiff until July 24, 2017 in which to file objections. See text only order on June 21, 2017. Both dates have passed.

GRANTED. Plaintiff's motion for an order to show cause and motion to strike defendants' motion are DENIED. This case is DISMISSED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 10, 2017

Detroit, Michigan